

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ULTRAFLO CORPORATION,

Plaintiff,

V.

PELICAN TANK PARTS, INC., and
THOMAS JOSEPH MUELLER,

Defendants.

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CIVIL ACTION NO. H-09-0782

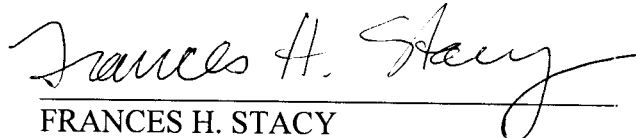
ORDER

Pending is Defendants' Objection to the Magistrate Judge's Order Granting Plaintiff Leave to File Its Third Amended Complaint, Motion for Reconsideration and Request for Clarification (Document No. 170), wherein Defendants complain about the Order filed on November 14, 2012, which granted Plaintiff's Motion for Leave to File Third Amended Complaint (Document No. 168). To the extent Defendants seek reconsideration or clarification of that Order from the undersigned, that request is DENIED.

Plaintiff's Motion for Leave to File Third Amended Complaint and all the briefing related thereto was carefully considered. While Defendants maintain that Plaintiffs have been allowed, with their Third Amended Complaint, to greatly expand the trade secret issues and claims in this case, Plaintiff's pleadings do not support that argument. This case involves the design of butterfly valves and Plaintiff's trade secret claims related thereto. While Plaintiff added new copyright claims to this case with the filing of their Third Amended Complaint, Plaintiff's trade secret claims have been alleged since the beginning. The current contours of those claims may not be exactly the same as they were when the case was first filed, but the essence of the claims is the same. As for Defendants'

complaints about the addition of new damage theories, those arguments were addressed in the November 14, 2012 Order. Moreover, the addition of the copyright claims necessarily included damages, and damage theories, consistent with that provided for by the Copyright Act. Defendants' Motion for Reconsideration and Request for Clarification (Document No. 170) is DENIED. Defendants' Objections to the November 14, 2012, Order remain pending.

Signed at Houston, this 18th day of January, 2013.


FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE